

Notice of Allowability

Application No.

10/749,627

Examiner

Paula L. Craig

Applicant(s)

BARATIAN ET AL.

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3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/25/2006.
2. ☒ The allowed claim(s) is/are 23-31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with David Arteman on April 20, 2006.

In the specification:

On page 17, line 31, **replace** "nonwoven 100 is" with --nonwoven is--.

On page 17, line 33, **replace** "features 120 transmits to a nonwoven web 100 is" with --features transmits to a nonwoven web is--.

On page 18, line 2, **replace** "features 100, then" with --features, then--.

On page 20, lines 17-18, **replace** "back region 56, the crotch region 54, or" with - back region, the crotch region, or--.

On page 23, line 30, **replace** "material 300 includes" with --material includes--.

On page 25, line 12, **replace** "projections 120 or" with --projections or--.

On page 25, line 15, **replace** "projections 120 of the bodyside liner 100 desirably" with --projections of the bodyside liner desirably--.

In the Claims:

In Claim 23, line 8, **replace** "features separated by land" with --features surrounded by land--.

Reasons for Allowance

3. Claims 23-31 are allowed. The following is an examiner's statement of reasons for allowance: The closest prior art is Arteman and U.S. Patent Nos. 1,829,231 to Mergentime, 2,902,038 to Bletzinger et al., 5,527,300 to Sauer, 5,731,062 to Kim et al., 5,896,680 to Kim et al., 5,990,377 to Chen et al., and 6,117,524 to Hisanaka et al. Arteman teaches an absorbent article with a bodyside liner of woven fibers, but does not teach topographical features oriented towards a wearer. Mergentime teaches an absorbent article having a bodyside liner formed from a woven network of fibers having an open area of 50-99%, with defined topographical features having a cross-sectional area of the features of 10-95% of the liner area. Mergentime does not teach the features being surrounded by the land areas, nor the features projecting to a height of 2-10 mm relative to the land areas. Bletzinger teaches an absorbent article with a bodyside liner formed from a woven network of fibers having an open area of 50-99%, but does not teach defined topographical features. Sauer teaches an absorbent article having a bodyside liner formed of woven fibers with defined topographical features, but does not teach an open area of 50-99%, nor the features projecting to a height of 2-10 mm. Kim '062 teaches a 3-D woven fiber network with defined topographical features surrounded by land areas, but does not teach a bodyside liner or absorbent material.

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Kim '680 teaches a breathable 3-D woven fiber network with defined topographical features surrounded by land areas, which provides breathability and cushioning but does not teach a bodyside liner or absorbent material. Chen teaches a bodyside liner having woven fibers and topographical features but does not teach an open area of 50-99%. Hisanaka teaches a web with topographical features and an open area of 50-99%, with a fibrous backing, but does not teach the web itself being made of a woven network of fibers. There is insufficient motivation to combine the features of the various references.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The additional prior art references listed on the accompanying Form PTO-892 show the general state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula L. Craig whose telephone number is (571)272-5964. The examiner can normally be reached on 8:30AM-5:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571)272-1115. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paula L Craig
Examiner
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PLC

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

